THE LORD

DIGBIES SPEECH IN THE HOUSE OF COMMONS.

To the Bill of Attainder, of the Earle of STRAFFORD, *the* 21 *of* APRIL, 1641.

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Master Speaker,

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Minister of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the present age by his Practizes, and fit to be made a terror to future ages by his punishment.

I have had the honor to be imployed by the House in this great businesse, from the first houre that it was taken into consideration: it was a matter of great trust, (and I will say with confidence) that I have served the House in it with industry, according to my ability, but with most exact faithfulnesse and secrecy.

And as I have hitherto discharged my duty to this House and to my Country, in the progresse of this great Cause; so I trust I shall doe now in the last period of it, to God and to a good conscience.

I doe wish the peace of that unto my selfe, and the blessings of Almighty God to me and my posterity, according as my judgement on the life of this man, shall be consonant with my heart, and the best of my understanding in all integrity.

I know well Master Speaker, that by some things I have said of late, whilest this Bill was in agitation, I have raised some prejudices upon me in the cause.

Yea some (I thanke them for the plaine dealing) have beene so free as to tell me, that I suffered much by the backwardnesse I have shewn in this Bill of Attainder of the Earle of *Strafford*, against whom I had beene formerly so keene, so active.

Master Speaker, I begge of you and the rest but a suspension of judgement concerning me, till I have opened my heart unto you freely and clearely in this businesse.

Truely Sir, I am still the same in my opinions and affections, as unto the Earle of *Strafford*, I confidently beleeve him the most dange-

dangerous Minister, the more insupportable to free subjects that can be imagined.

I beleeve his practices in themselves as high, as tyrannicall, as any subject ever ventured on, and the malignity of them hugely aggravated by those rare abilities of his, wherof God hath given him the use, but the Devill the application. In a word, I beleeve him still that grand Apostate to the Commonwealth; who must not expect to be pardoned it in this world, till hee be dispatch'd to the other. And yet let me tell you Master Speaker, my hand must not be to that dispatch. I protest as my conscience stands informed, I had rather it were off.

Let me unfold unto you the Mysterie, Master Speaker.

I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, by putting you in mind of the difference betweene prosecutors and Judges.

How misbecomming that fervour would be in a Judge which perhaps was commendable in a prosecutor. Judges wee are now, and must put on another personage.

It is honest and Noble, to be earnest in order to the discovery of Truth; but when that

hath beene brought as far as it can to light, our judgement thereupon ought to be calme, and cautious.

In prosecution upon probable grounds, we are accountable onely for our industrie or remisnesse, but in judgement, we are deeply responsable to God Almighty, for its rectitude or obliquity. In cases of life, the Judge is Gods Steward of the parties bloud, and must give a strict account for every droppe.

But as I told you Master Speaker, I will not insist long upon this ground of difference in me now, from what I was formerly.

The truth on't is Sir, the same ground whereupon I (with the rest of the five to whom you first committed the consideration of my Lord of Straffords) brought downe our opinion, that it was fit he should be accused of Treason, upon the same ground I was ingaged with earnestnesse in his prosecution, and had the same ground remained in that force of belief with me, which till verie lately it did, I should not have beene tender in his condemnation. But truly Sir, to deale plainly with you, that ground of our accusation, that purse to our prosecution, and that which should be the basis of my judge-

ment of the Earle of *Strafford* as unto Treason, is to my understanding quite another way.

This it was Master Speaker

His adviling the King to employ the Army of *Ireland*, to reduce *England*.

This I was assured would be proved, before I gave my consent to his accusation. I was confirmed in the same by diverse during the prosecution, and fortified in it most of all since *Sir Henry Vanes* preparatory examinations, by the assurances which that worthy member Master *Pym* gave me, that his Testimony would be made convincing by some notes of what passed at the same concurrent with it, which I ever understanding to be of some other Counsellour, you see now proves but a Copie of the same Secretaries notes, discovered and produced in the manner you have heard, and those, such disjointed fragments of the venemous part of discourses, no results, no conclusions of Counsels, which are the onely things that Secretaries should register, there being no use at all of the other, but to accuse and to bring men into danger.

But Sir, this is not that which overthrowes the evidence with me, concerning the

the Armie of *Ireland*; nor yet that all the rest of the Army upon their oathes, I member nothing of it.

But this Sir, which I shall tell you, is that which works with me under favour, to an utter overthrow of his evidence, as unto that of the Army of *Ireland*. Before, whilst I was a prosecutor, and under tye of Secrecy, I might not discover any weaknesse of the cause which lies as a judge I must. Master Secretary was examined thrice upon oath, at the preparatory committee.

The first time he was questioned to all the *Interrogatories*, and to that part of the seventh which concernes the Army of *Ireland*, he said positively in these words, I cannot charge him with that. But for the rest, he desires time to recollect himself, which was granted him.

Some dayes after, he was examined a second time, and then deposes these words concerning the Kings being absolved from rules of government, and so forth, very clearely. But being prest to that part, concerning the *Irish* Army, againe can say nothing to that.

Heere we thought we had done with him, till divers weeks after, my Lord of *Northumberland* and all others of the *Iunto*, denying to have

have heard any thing concerning those words of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more, and then he deposes these words, to have beene said by the Earle of *Strafford* to his Majesty: you have an Army in *Ireland*, which you may imploy heere to reduce, (or some word to that sence) this Kingdome.

Master Speaker, these are the circumstances which I confesse with my Conscience, thrust quite out of doores that grand Article of our charge, concerning his desperate advice to the King, of employing the *Irish* Armie heere.

Let not this I beseech you, be driven to an aspersion upon Master Secretary, as if he should have sworne otherwise then he knew or beleeved, he is too worthy to do that; onely let thus much be infer'd from it; that he who twice upon oath with time of recollection, could not remember any thing of such a businesse, might well a third time misremember somewhat: and in this businesse the difference of one Letter, here for there, or that for this, quite alters the case, the latter also being the more probable, since it is confest of all hands, that the debate then was concerning a war with *Scotland*, and you may re-

number that at the Bar he once had to employ there. And this Master Speaker, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Strafford*.

This was that whereupon I accused him with a free heart, prosecuted him with earnestnesse, and had it to my understanding him proved, should have condemned him with innocence. Whereas now I cannot satisfie my conscience to doe it.

I professe I can have no notion of any bodies intent to subvert the Lawes treasonably, but by force; and this designe of force not appearing, all his other wicked practises cannot amount so high with me.

I can find a more easie and more naturall spring, from whence to derive all his other Crimes, then from an intent to bring in Tyranny, and to make his owne posterity, as well as us, Slaves; as from revenge, from Pride, from Avarice, from passion, and insolence of nature.

But had this of the *Irish* Army beene proved, it would have diffused a complexion of Treason over all, it would have beene a With indeed, to bind all those other scattered and

lesser

leſſer branches, as it were into a faggot of Treaſon.

I doe not ſay but the reſt may repreſent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not ſay but they may juſtly direct us to Enact that the like ſhall be Treaſon for the future.

But God keepe me from giving judgement of death on any Man, and of ruine to his innocent Poſterity, upon a Law made, *à Poſteriori*.

Let the marke be ſet on the dore where the Plague is, and then let him that will enter dye.

I know Maſter Speaker, there is in Parliament a double power of life and death by Bill, a Judiciall power; and a Legiſlative: the meaſure of the one, is what's Legally juſt; of the other, what is prudentially and politickly fit for the good and preſervation of the whole. But thoſe two, under favour, are not to be confounded in Judgement. Wee muſt not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitneſſe, with a pretence of legall Juſtice.

To condemne my Lord of *Strafford* judicially as for Treaſon, my conſcience is not

assured that the matter will beare it.

And to doe it by the Legislative power, my reason consultively cannot agree to that, since I am perswaded, neither the Lords nor the King will passe the Bill, and consequently that our passing it, will be a cause of great divisions and combustions in the State.

And therefore, my humble advise is, that laying aside this Bill of Attainder, wee may think of another, saving only life, such as may secure the State from my Lord of *Strafford*, without endangering it, as much by division concerning his punishment, as he hath endangerd it by his practices.

If this may not be hearkned unto, let me conclude in saying that unto you all, which I have throughly inculcated to mine owne conscience upon this occasion. Let every man lay his hand upon his heart, and sadly consider what wee are going to doe with a breath, either justice or murther; justice on the one side, or murther heightned and aggravated to its supremest extent. For as the Casuists say, that he who lyes with his sister commits incest, but he that marries his sister sins higher, by applying Gods Ordinance to his crime: So doubtlesse he that commits murther

ther with the ſword of Juſtice, heightens that crime to the utmoſt.

The danger being ſo great, and the caſe ſo doubtfull, that I ſee the beſt Lawyers in diametrall oppoſition concerning it; Let every man wipe his heart as he does his eyes, when he would judge of a nice and ſubtile object. The eye, if it be pretincted with any colour, is vitiated in its diſcerning. Let us take heed of a blood-ſhotten eye of Judgement.

Let every man purge his heart cleare of all paſſions, (I know this great and wiſe body politicke can have none, but I ſpeake to individuals from the weakeneſſe which I find in my ſelfe.) Away with all perſonall animoſities, away with all flatteries to the people, in being the ſharper againſt him, becauſe he is odious to them; away with all feares, leaſt by the ſparing his blood they may be incenſt; away with all ſuch conſiderations, as that it is not fit for a Parliament, that one accuſed by it of Treaſon ſhould eſcape with life.

Let not former vehemence of any againſt him, nor feare from thence, that he cannot be ſafe while that man lives, bean ingredient in the ſentence of any one of us.

Of all theſe corruptives of judgement, Ma-

Master Speaker, I doe before God discharge my selfe to the uttermost of my power,

And do with a cleare Conscience wash my hands of this mans blood, by this solemne protestation, that my Vote goes not to the taking of the Earle of *Straffords* life.

on ye 16th of July following, this speech was, by order of ye House, burnt by ye hand of ye Comon Hangman. See Nalsons Collections, 2d pt. p. 160. c 389. er

FINIS.